



THE MAINE CEO

A PERIODIC NEWSLETTER FOR
CODE ENFORCEMENT TRAINING & CERTIFICATION
PROGRAM INFORMATION

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STATE BUILDING CODE UPDATE

This sometime divisive and provocative subject keeps rearing its head every couple of years and it did so again in 2001. Two separate joint committees of the 120th Legislature considered the subject during the regular and special sessions. The *Joint Committee on Business & Economic Development* just recently considered LD 1731, An Act to Require Registration of Building Contractors. After a public hearing on the matter they approved a total revision of the bill and ordered it sent to The *Department of Professional & Financial Regulation, Office of Licensing & Registration* for official “sunrise review.” That Department will have approximately one year to complete their “review” process and issue a final report to the Legislature on the feasibility and associated cost of adopting and implementing the bill. Final approval of the bill would require a vote of the Legislature.

In its new form LD 1731 is re-titled, An Act to Require Licensing of Home Building Contractors. **The proposed bill seeks to license only home construction and home improvement contractors.** Contractors whose work does not include residential homes are excluded from licensing. The bill proposes formation of a professional licensing board to be housed at the Dept. of Financial & Professional Regulation (similar to the Plumber’s Exam Board and the Electrician’s Board). The bill also calls for the hiring of 6 State Home Construction & Improvement Inspectors whose responsibilities would include investigation of complaints made against licensed contractors. The professional standard for the licensing would be based upon the CABO 1 & 2 Family Dwelling Code. **Cities and towns would not be required to enforce the code.**

On a related track there is an on-going study of the feasibility of a Maine Building Rehabilitation Code by the *State Planning Office* and the *MBRC Advisory Council*. This newsletter has provided several updates on this matter in past months. The legislative resolve (LD 1331) that initiated this study sought a final report and recommendation to the *Joint Committee on Natural Resources* by January 15, 2002. The Committee granted a one-month extension on the report deadline. The *Advisory Council* early on recognized the confusing and often uncoordinated state of affairs with Maine’s building standards and regulations, as well as the 70 or so municipalities with various

editions of the BOCA National Building Code. To put it mildly, in Maine it isn't easy being a contractor who wants to follow the rules because it is often difficult to know all of the rules.

The rationale behind the *rehab code* is the dire need for additional housing and apartments in the urban and developing areas of the state. It is believed by many experts that rehabilitation of Maine's stock of existing buildings might help reduce the housing gap and work toward controlling sprawl. The *Advisory Council* believes that a *rehab code* would be useful. Perhaps more importantly, particularly for Maine's code officials, is that the *Council* recognizes several important associated needs. First, they recognize the need for state-level coordination, oversight and training for any *model rehab code* adopted. Second, they recognize that the code must be a statewide code for purpose of uniformity, but that adoption by a municipality would be voluntary. Third, they recognize that a state-level building code advisory board is necessary because the *rehab code* must be based upon one of the model building codes if it is to be implemented in a rational manner. So far, no permanent decision has been made regarding recommendation of a model rehab code. At this point, the two leading contenders for adoption as the Maine Building Rehab Code are the current draft versions of the: "International Existing Buildings Code" and "Chapter 54, NFPA 5000 Building Code." Stay tuned, *The Maine CEO* will report on the future of this very important issue just as soon as it becomes known.

WORKSHOPS, PAST AND FUTURE

In January we offered training on Maine Civil Court Rule 80-K. Approximately 200 individuals attended one of the four 2-day sessions. The presenter was Attorney Durwood Parkinson. On February 6th we offered a one-day session on site plan review procedures. This particular workshop was a repeat of the sessions offered last October. Later in February there will be workshops on Zoning and Land Use Regulations. These sessions will be offered in Auburn, Bangor, Presque Isle, and South Portland. Early in April we are offering training in Shoreland Zoning and later in that month, Basic Floodplain Management. **Registration forms for the Shoreland Zoning workshop and Floodplain Workshop are included with this newsletter.** In May, additional training will cover Special Environmental Issues-dates and locations to be announced later.

ASSOCIATION MEETINGS

On January 30th the **Midcoast CEO Association** met in the Waldoboro Town Office for a meeting and training session. Kathy Fuller of Maine DOT gave a very good presentation on DOT's new Access Management Rules. The **MBOIA** spring meeting is scheduled for March 28th in Auburn at the Martindale Country Club.

QUESTIONS & ANSWERS...

Q: Is it true that code officers must ensure that Maine sales tax has been paid in full before issuing a building permit for a manufactured house?

A: Yes. Maine Revenue Services has tried to keep all code enforcement officers aware of their responsibilities concerning the installation of manufactured housing in their communities. There is a provision in State statutes requiring code enforcement officers to certify that the Maine sales tax has been paid on any manufactured housing installed in their communities before a building permit is issued. Manufactured housing, for purposes of these regulations includes two categories: *modular housing* (BOCA code regulated) and (*mobile homes* HUD code regulated).

In most cases, *modular-type housing* is installed for the buyer by a dealer/manufacturer and as such, the sale of the *modular home*, is a *sale of real estate*. Therefore, no Maine sales tax is imposed upon the buyer. In this situation, the dealer or manufacturer is responsible for reporting the tax to Maine Revenue Services. In such circumstances the dealer or manufacturer must complete an *affidavit*, certifying that they have taken care of the Maine sales tax obligation. The *affidavit* may then be given to the buyer, or directly to the code enforcement officer, in order to obtain a building permit.

In the case of mobile homes, which are considered to be *tangible personal property* and thus not *real estate* (even if they are sometimes permanently installed), there is a taxable sale between the dealer and buyer. In these cases, there should be a copy of the *bill of sale* or *invoice* indicating that the dealer collected the Maine sales tax from the buyer. An *invoice*, itemizing the tax separately, would be considered "proof" that the Maine sales tax has been paid.

IMPORTANT INFORMATION CONCERNING YOUR CERTIFICATION STATUS!

Certification status reports will be mailed to all certified individuals by the end of February 2002. Please review your certificate and check your certification expiration date. If your certification expired on January 31, 2002 you are not compliant. If you are not compliant with the State's certification rule you should not be approving permits. To become re-certified you will have to take the required examinations. Contact Shelley Brann at 287-8064 to schedule an examination.

SCHEDULE FOR TRAINING AND EXAMINATIONS - 2002

The CEO Training and Certification Program will make every effort to accomplish this schedule as planned, however many factors affect our ability to provide all of these sessions on the exact schedule. Therefore, this must be considered a tentative schedule. Approximately five weeks prior to a given training session, a detailed announcement will be sent to those on our mailing list. In 2002, the Program's training will continue to focus upon selected issues within most of the training areas. Individuals new to the Program should contact the Office for information on how to obtain introductory training. You may refer to the list of training materials in the Information Guide. In the following schedule, a few activities are listed that are of interest to CEOs, but are not sponsored by SPO.

January 2002	* Maine Rules of Civil Procedures - Rule 80K (80K12)
February	Issues in Zoning and Land Use Regulations (LU6)
March	Shoreland Zoning (SZ6)
April	Floodplain Management (LU6)
May	Environmental Issues Related to Development (12 possible)
June	Internal Plumbing (IP6) MBOIA Summer Meeting – June 11 th Scarborough
July	Certification Examinations (All certification areas)
August	Subsurface Wastewater Disposal (repeat) Highmoor Farm (SW6)
September	* Wetland ID and Delineation (SZ6) MBOIA Fall Meeting – September 12 th
October	Building Standards (BS6) Certification Examinations (All certification areas) MMA Convention
November	Accessibility Standards & Requirements for CEOs (BS6)
December	MBOIA Winter Meeting – December 5 th
January 2003	Legal Issues and Enforcement Techniques (LI6)

Notes: An asterisk (*) indicates advanced-level sessions and assumes participants have basic background in topic. MBOIA is the Maine Building Officials and Inspectors Association, a professional association that sponsors training sessions in the area of Building Standards and other code enforcement. Contact: Jonathan Champagne, Secretary - Town of Windham, 8 School St. Windham, ME 04062. Telephone: 892-1901.